

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES DOUGLAS SMITH]
Plaintiff,]
] No. 3:14-0548
v.] Chief Judge Haynes
] HOWARD GENTRY]
Defendant.]

M E M O R A N D U M

Plaintiff, James Douglas Smith, an inmate at the Metro Davidson County Detention Facility in Nashville, filed this pro se action against the Defendant Howard Gentry, the Criminal Court Clerk for Davidson County. Plaintiff seeks injunctive relief and damages arising out of a state court action. By an earlier Order (Docket Entry No. 9), the Court granted Plaintiff in forma pauper status. The Court, however, must review the complaint on whether the complaint is malicious, frivolous, or fails to state a claim. 28 U.S.C. § 1915(e)(2).

According to the complaint, the Davidson County Criminal Court Clerk's Office has a policy of forwarding pro se pleadings to the Davidson County Public Defender's Office rather than file them. Plaintiff suggests that this policy violates his right of access to the courts.

A prisoner has a First Amendment right of access to the courts. Bounds v. Smith, 430 U.S. 817, 821-823 (1977). To state a claim for a violation of that right, Plaintiff must allege facts that the Defendant's conduct in some way actually prejudiced Plaintiff in the filing or prosecution of a legal action. Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir.1996). Plaintiff has not alleged any such facts.

Accordingly, the Court concludes that Plaintiff's complaint fails to state a claim upon which relief can be granted and this action must be dismissed. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

ENTERED this the 26 day of February, 2014.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court